



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.12164 of 2020

N.Ganapathy

... Petitioner

Vs.

A.Subbulakshmi

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to permit the petitioner and respondent to compound the offence under Section 147 of the Negotiable Instruments Act based on the settlement arrived between the parties relating to the conviction imposed in the judgment dated 19.12.2007 in C.C.No.32 of 2007 on the file of the Additional District Munsif Court cum Judicial Magistrate Court, Thoothukudi confirmed in judgment dated 08.07.2008 in C.A.No.16 of 2008 on the file of the Additional Sessions Court (Fast Track Court No.II) Thoothukudi and the conviction was confirmed in the order dated 19.03.2019 in Crl.RC(MD)No.794 of 2008.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.R.Ponkarthikeyan

ORDER

Heard the learned counsel on either side.

2.The petitioner/Ganapathy faced prosecution for the offence under Section 138 of Negotiable Instruments Act, in C.C.No.32 of 2007 on the file of the learned Judicial Magistrate, Thoothukudi. He was convicted and sentenced vide judgment dated 19.12.2007. He questioned the same by filing Crl.A.No.16 of 2008 before the Sessions Court (Fast Track Court No.II), Thoothukudi. The appeal was dismissed vide judgment dated 08.07.2008. Questioning the same, the petitioner filed Crl.R.C.(MD)No.794 of 2008, but the same suffered dismissal on 19.03.2019. Since the petitioner's conviction was confirmed, however the punishment imposed on him was reduced to six months simple imprisonment. Thereafter, the parties have entered into an amicable settlement and they filed a joint compromise memo.

3.Mrs.Subbulakshmi, defacto complainant is present before this Court through video conference. She states that she has

<https://hcservices.ecourts.gov.in/hcservices/>



received the cheque amount from the petitioner and she has no objection for allowing this Criminal Original Petition.

4. I had doubts regarding maintainability of this petition.

5.The learned counsel drew my attention to the judgment reported in **2019 (3) MWN (Cr.) DCC 69 (Mad) [R.Sivakala vs. D.Sethuram]**. The said decision is squarely applicable to the case on hand.

6.Respectfully following the aforesaid decision, the compromise entered into between the parties is taken on record and the offence committed by the petitioner is compounded under Section 147 of Negotiable Instruments Act.

7.This Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Additional District Munsif Court
cum Judicial Magistrate Court, Thoothukudi.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-20743[F] dated 29/10/2020)

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SSS(CO)
NR (06/11/2020) 2P : 3C